



# METHFESSEL & WERBEL

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## MEMO ENDORSED

May 12, 2025

### VIA ECOURTS FILING

Honorable Katharine H. Parker, U.S.M.J.

United States District Court for the Southern District of New York

Daniel Patrick Moynihan

United States Courthouse

500 Pearl St.

New York, NY 10007-1312

RE: **COLONY INSURANCE VS. OZ SOLUTIONS, ET AL.**

Our File No. : 94403a SME  
Docket No. : 1:24-CV-01935

Dear Judge Parker:

This office represents Plaintiff Colony Insurance Company. For the reasons set forth below and with consent of all counsel, it is respectfully requested that the Court adjourn the May 21, 2025 settlement conference in this matter.

This action is brought by Colony seeking rescission of the policies issued to Oz Solutions. By Order dated April 4, 2025, ECF No. 97, the Court permitted Colony to file an Amended Complaint, which it did on April 11, 2025 (ECF No. 99). In the Amended Complaint, Colony joined two new parties and added a new cause of action against defendant Oren Ziv (piercing the corporate veil). As a result of the new claim, Colony served supplemental discovery demands on Mr. Ziv for the piercing the corporate veil.

Further, as advised by letter dated April 4, 2025 (ECF No. 103), a settlement was reached in 470 4<sup>th</sup> Avenue Fee Owner LLC v. Adam America, LLC, Danya Cebus Construction, LLC and 470 4<sup>th</sup> Avenue Investors, LLC, et al., Index No. 656506/2018 (the “Underlying Action”) that has resulted in a dismissal of the claims in this matter between Colony and defendants Danya Cebus Construction, Sentinel Insurance Company and Endurance American Insurance Company d/b/a Sompo International (ECF No. 115). However, the settlement does not resolve Colony and Endurance’s claims against Oz Solutions and Mr. Ziv.

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Methfessel & Werbel, Esqs.  
Our File No. 94403a SME  
Page 2

Given the additional parties and the new claim, the Court recently approved a revised Amended Civil Case Management Plan and Scheduling Order (ECF No. 113) that pushes out the discovery end date to July 14, 2025.

In light of the newly added parties (who were only recently served), the new claim against Mr. Ziv, the recently entered Amended Civil Case Management Plan and Scheduling Order, and with consent of all counsel, it is respectfully requested that the May 21, 2025 settlement conference be adjourned to a new date.

This is the fourth request for adjournment of the settlement conference in this matter. [See ECF Nos. 78, 84 and 91].

Respectfully submitted,

**METHFESSEL & WERBEL, ESQS.**



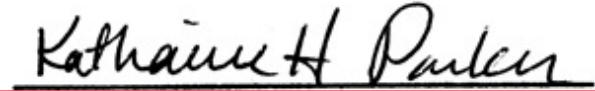
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cc: All Counsel of Record (via ECF)

**APPLICATION GRANTED:** The settlement conference in this matter scheduled for Wednesday, May 21, 2025 at 10:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York is hereby rescheduled to Monday, July 28, 2025 at 10:00 a.m. Parties must attend in-person with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than July 21, 2025 by 5:00 p.m.

**APPLICATION GRANTED**



**Hon. Katharine H. Parker, U.S.M.J.**

05/13/2025